



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,447	01/08/2007	Zak Doffman	005222.00415	9984
29638 7590 11/06/2009 BANNER & WITCOFF, LTD. ATTORNEYS FOR CLIENT NO. 005222 10 S. WACKER DRIVE, 30TH FLOOR CHICAGO, IL 60606				
			EXAMINER JAMA, ISAAK R	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 11/06/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/567,447

Applicant(s)

DOFFMAN, ZAK

Examiner

ISAAK R. JAMA

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 1 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of claims

1. Claims 1-6 and 8-27 are pending.
2. Claims 10, 19, 20, 23 and 25 have been amended.
3. Claim 7 has been cancelled.
4. Claim 27 has been added.

Response to Arguments

5. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 2, 5, 8, 10-15, 18 and 27 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent Number 6,647,260 (Dusse et al.) in view of European Patent Application Number EP 1 262 931 A1 (Kaebling).
8. Regarding claims 1 and 27, Dusse teaches a mobile terminal **[Figure 3, # 300]**, comprising: a display screen **[Figure 3, # 308]** ; an input system for receiving user input **[Figure 3, # 306, Keypad]**; a wireless communications subsystem **[Figure 3, # 328, wireless control protocol]**; a processor **[Figure 3, # 302]**; memory storing computer executable instructions that, when executed by the processor, cause the mobile

terminal to perform a method for retrieving data from a server **[Figure 3, # 312, column 6, lines 1-3]**, comprising: (i) loading a local client executable application for decoding a coded short text messaging system message; (ii) receiving the coded short text messaging system message from a content provider via the wireless communication subsystem **[Figure 5, see client module connected to message receive module # 512, and message send module # 520]. [Figure 1, # 100 – mobile and #102 - display, column 4, lines 6-27]**. But Dusse does not teach that the coded short text messaging system message comprises compressed data not understandable to a user of the mobile terminal; the local client executable application decoding the received short text messaging system message to translate the received data into a human understandable format; and displaying the decoded information on the display screen. Kaebbling teaches a system and method for improvements in text messaging **[Title]**, whereby reduction of message length can be achieved by applying mathematical information compression techniques **[Column 2, paragraph 0009]**, and that they are characteristically incomprehensible in their compressed form to human readers **[Column 2, paragraph 0010]**. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the compression technique disclosed by Kaebbling into the web-based provisioning method of Dusse in order to make use of the available bandwidth.

9. Regarding claim 2, Dusse further teaches that the received short text messaging system message comprises a plurality of short codes to identify individual fields of data **[Column 5, lines 51-55]**.

10. Regarding claim 5, Dusse teaches that the local client executable application comprises executable code **[Column 6, lines 14-20; i.e. mobile device includes a client module that performs many of the processing tasks performed by mobile device including: establishing a communication session with a proxy server device, operating and maintaining a resident address book, displaying information on a display screen thereof, and receiving user input from keypad].**

11. Regarding claim 8, Dusse further teaches that the short text messaging system comprises SMS **[Column 8, line 33-37].**

12. Regarding claim 10 – 13, Dusse teaches a computer readable medium storing a client application in the form of computer executable instructions that, when executed, cause a mobile terminal to perform a method for receiving information relating to a selected topic, comprising: (i) querying a user of the mobile terminal to select one of a push or pull mode of operation **[Figure 7B, column 8, lines 34-38];** (ii) when the user selects the push mode of operation: displaying a plurality of menus to allow the user to identify desired information regarding which the user would like to remain updated **[Figure 7B, column 3, lines 24-51; and Figure 2, # 208],** to identify one or more criteria specifying how often the user would like to receive updates; generating a coded short text messaging system message based on the user's selection of the push mode of operation, and further based on the user's selections regarding desired information, criteria, and number of prepaid messages; and outputting the short text messaging system message for sending to a content provider associated with the client application via a wireless telecommunications network **[Column 5, lines 15-30].** But Dusse fails to

teach that generating and translating a coded short message that is in a human understandable format into a coded data format not understandable to the user of the mobile terminal. Kaebbling teaches a method for generating a message in short codes **[Page 3, paragraph 0013; i.e. CUL8R]**, compressing the message into a format incomprehensible to human readers prior to transmission **[Page 2, paragraph 0010]**. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the system of Kaebbling in the method of Dusse in order to reduce the size of the message.

13. Regarding claims 14 and 15, Kaebbling further teaches a text messaging program having a code book table **[Column 5, paragraph 0027]**.

14. Regarding claim 18, Dusse further teaches that the short text messaging system comprises SMS **[Column 8, line 33-37]**.

15. Claims 3, 4, 16 and 17 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent Number 6,647,260 (Dusse et al.) in view of European Patent Application Number EP 1 262 931 A1 (Kaebbling) and further in view of U.S. Patent Number 5,944,790 (Levy).

16. Regarding claims 3, 4, 16 and 17, Dusse and Kaebbling has been discussed above. What the combination of Dusse and Kaebbling fail to teach is that the human understandable format comprises text in a native language of a user of the mobile terminal. Levy teaches a method and apparatus for providing a web site having a home page that automatically adapts to user language and customs, whereby a World Wide Web home page can be responded to with a home page adapted to the language or

dialect that is most likely to match the native language or dialect of the user **[Abstract]**. Levy further teaches that the human understandable format comprises graphics **[Figure 4, # 402]**. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the translation system of Levy in the overall method of Dusse and Kaebbling in order to facilitate understanding of data to a myriad of users.

17. Claim 25 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent Application Publication Number 2004/0210479 (Perkowski et al.) in view of European patent Application Number EP 1 262 931 A1 (Kaebbling).

8. Regarding claim 25, Perkowski teaches a method of providing information via a micro band channel to a mobile device **[Figure 3A6, mobile device]**, comprising: advertising for sale a predetermined number of coded micro band messages corresponding to a predetermined event; receiving payment from a first user for the predetermined number of micro band messages **[Page 125, paragraph 1310, i.e. SMS messages]**, updating a database based on the predetermined number of messages **[Page 184, paragraph 0439]**. But Perkowski does not specifically teach that the coded messages comprise a text message that has been coded from human understandable format into coded data format that is not understandable to a user of the mobile terminal. Kaebbling teaches a system and method for improvements in text messaging **[Title]**, whereby reduction of message length can be achieved by applying mathematical information compression techniques **[Column 2, paragraph 0009]**, and that they are characteristically incomprehensible in their compressed form to human

readers **[Column 2, paragraph 0010]**. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the compression technique disclosed by Kaebbling into the internet-based brand marketing communication system of Perkowski in order to make use of the available bandwidth.

9. Claim 6 and 9 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent Number 6,647,260 (Dusse et al.) in view of European Patent Application Number EP 1 262 931 A1 (Kaebling) and further in view of U.S. Patent Application Publication Number 2005/0114798 (Jiang et al.).

10. Regarding claims 6 and 9, Dusse and Kaebbling has been discussed above. But Dusse and Kaebbling fail to teach flushing from the memory of the mobile terminal information decoded from the coded short text messaging system messages or that the executable code is in Java. Jian teaches a back button in mobile application whereby historical record serves as a backup that allows the user to restore his album if the Yahoo!Photos program is erased **[Page 6, paragraph 0067]**. Jian also teaches that that back button in mobile applications where the functionality and profile of each mobile device are implemented using a Java 2 Micro Edition (J2ME.TM.) platform **[Page 2, paragraph 0018]**. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the system of Jiang in the combined methods of Dusse and Kaebbling in order to make room for new data, and to facilitate cross platform applications.

11. Claims 19-24 is rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent Number 6,647,260 (Dusse et al.) in view of European Patent Application Number

EP 1 262 931 A1 (Kaebling) and further in view of U.S. Patent Number 6,782,253 (Shetyn et al.).

12. Regarding claim 19, Dusse teaches a method for distributing selected information to a user of a mobile terminal **[Figure 3, # 300]**, comprising: receiving at a processor, a first message originating from the mobile terminal sent, wherein the first message **[Figure 3, # 312, column 6, lines 1-3]**; querying by the processor a content provider database for the desired information and generating by the processor a second message comprising coded data corresponding to the desired information **[Figure 5, column 7, lines 3-41]**. But Dusse neither teaches that the second message comprises translating data that is in a human understandable format into a coded data format that is not understandable to the user of the mobile terminal, nor sending the second message to the mobile terminal the second message to the mobile over the asynchronous connectionless-based channel. Kaebling teaches a system and method for improvements in text messaging **[Title]**, whereby reduction of message length can be achieved by applying mathematical information compression techniques **[Column 2, paragraph 0009]**, and that they are characteristically incomprehensible in their compressed form to human readers **[Column 2, paragraph 0010]**; and Shetyn teaches a mobile micro portal whereby a facilitation signal is coded, e.g., onto the DVD itself. The user receives this facilitation signal on his/her Bluetooth-equipped cell phone, e.g., as a simple paging or SMS text file **[Column 5, lines 36-47]**. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the compression technique disclosed by Kaebling and system of Shetyn in

the method of Dusse in order to capture a message from proximate users, and to make use of the available bandwidth.

13. Regarding claim 20, Dusse further teaches when to send message and number of prepaid messages **[Columns 7 & 8, lines 63-67 and 1-4]**.

14. Regarding claim 21, Dusse further teaches that when the one or more criteria (i.e. when to send a prepaid message – see claim 20 above) are met: generate a coded message and translate it to a message not understandable to a human **[Column 2, paragraphs 0009-0010 – Kaebbling]** and transmit the message over an asynchronous connectionless-based channel **[Column 5, lines 36-47 – Shetyn]**.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the compression technique disclosed by Kaebbling and system of Shetyn in the method of Dusse in order to capture a message from proximate users, and to make use of the available bandwidth.

15. Regarding claims 22 and 24, Dusse further teaches that the short text messaging system comprises SMS **[Column 8, line 33-37]**.

16. Regarding claim 23, Dusse further teaches that determining whether prepayment has been received for the response SMS message, and reverse billing the SMS response message to the mobile terminal when prepayment has been received **[Column 5, line 15-30; i.e. the provisioning request may contain the accounting information, e.g. credit card information (i.e. prepayment), and that the user may be provided with periodic status updates relating to the processing of the provisioning request]**.

17. Claim 26 is rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent Application Publication Number 2004/0210479 (Perkowski et al.) in view of U.S. Patent Application Publication Number 2004/0203338 (Zilliacus).

18. Regarding claim 26, Perkowski has been discussed above in regard to claim 25. But Perkowski fails to teach that the predetermined number of messages comprises all messages corresponding to the predetermined event. Zilliacus teaches a selection and tuning of a broadcast channel based on interactive service information whereby a broadcast information may be stored locally in mobile terminal, either as an integrated application, e.g. a MIDlet, which conforms to J2ME (Java 2 Micro Edition) APIs, or as a calendar event that notifies the viewer that the show is starting [Page 3, paragraph 0030]. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the system of Zilliacus in the method of Perkowski in order to keep the user informed of any upcoming events.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ISAAK R. JAMA whose telephone number is (571)270-5887. The examiner can normally be reached on 7:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/IRJ/

/Lester Kincaid/
Supervisory Patent Examiner, Art Unit 2617